

**ENTERED**

July 16, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

GREGORY MICHAEL KLAPESKY,

Petitioner,

VS.

TEXAS BOARD OF PARDONS AND  
PAROLES,

Respondent.

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CIVIL ACTION NO. 2:20-CV-142

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION**

Before the Court is Magistrate Judge Julie K. Hampton's Memorandum and Recommendation ("M&R"), entered on June 16, 2020. (D.E. 9). The M&R recommends that Petitioner's § 2241 petition be dismissed pursuant to the screening provisions in Rule 4 of the Rules Governing Section 2254 Cases because it is plain from the petition and attached memorandum that Petitioner is not entitled to relief. Petitioner timely filed objections to the M&R on July 6, 2020. (D.E. 12).

Petitioner's exact objections are difficult to discern, but the Court has carefully considered his Written Objections. (D.E. 12). Petitioner seems to primarily argue that he is eligible for mandatory supervision. However, Petitioner is serving a sentence for murder, a violation of Texas Penal Code section 19.02. This offense makes Petitioner ineligible for mandatory supervision. TEX. GOV'T CODE § 508.149(a)(2). That means that he was not entitled to a determination by a parole panel under section 508.149(b)—which applies to inmates who otherwise would be eligible for mandatory supervision, but who a parole panel determines should not be released. § 508.149(b). Accordingly, the Court

**OVERRULES** Petitioner's objections.

Thus, after reviewing the facts, conclusions of law, and recommendation set forth in the M&R, as well as Petitioner's objections and all other relevant documents in the record, and having made a de novo disposition of the portions of the M&R to which the objections were directed, the Court **OVERRULES** Petitioner's objections. The Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge (D.E. 9).

SIGNED and ORDERED this 16<sup>th</sup> day of July 2020.



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DAVID S. MORALES  
UNITED STATES DISTRICT JUDGE